



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,100	James J. SANFILIPPO	4700/78

INTERNATIONAL APPLICATION NO.
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PCT/US05/05006

I.A. FILING DATE	PRIORITY DATE
02/17/2005	01/06/2004

Frank C Nicholas  
 Cardinal Law Group  
 Suite 2000  
 1603 Orrington Avenue  
 Evanston, IL 60201

CONFIRMATION NO. 5108

371 FORMALITIES LETTER



\*OC000000023307710\*

Date Mailed: 04/10/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Copy of IPE Report filed on 08/17/2006
- Preliminary Amendments filed on 08/17/2006
- Oath or Declaration filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - lists John Sanfilippo who is not cited in the published application
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

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APR 13 2007

CARDINAL LAW GROUP

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

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10/590,100	PCT/US05/05006	4700/78

FORM PCT/DO/EO/905 (371 Formalities Notice)

CERTIFICATE OF TRANSMISSION  
I hereby certify that this correspondence is transmitted  
electronically to the U.S. Patent and Trademark Office  
on this date: April 27, 2007  
(Date of Transmission)

FRANK C. NICHOLAS, (33,983)  
Name of applicant, assignee or registered representative

/FRANK C. NICHOLAS/  
Signature

April 27, 2007  
Date of Signature

PATENT  
**Case No. 4700/78**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	
	)	
SANFILIPPO, JAMES, J., ET AL.	)	Examiner
	)	
Serial No.:	)	
	)	
Filed:	)	Group Art Unit:
	)	
Title: FLEXIBLE BAG WITH LOCATORS	)	Conf. No.:

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

Dear Sir:

Applicants herewith enclose the declaration filed with the nationalized application, as the declaration is in accord with the requirements. Although the published application fails to

list John Sanfilippo as an inventor, the PCT application as filed, does list John Sanfilippo as an inventor. Since the error was made by the PCT, Applicants ask that the additional fees not be charged to applicants in this matter.

**CONCLUSION**

Favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: **April 27, 2007**

Respectfully submitted,  
SANFILIPPO, JAMES, J., ET AL.

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